

AMENDED IN ASSEMBLY JUNE 18, 2007

AMENDED IN SENATE MAY 1, 2007

AMENDED IN SENATE APRIL 23, 2007

AMENDED IN SENATE APRIL 9, 2007

SENATE BILL

No. 516

Introduced by Senator Aanestad

February 22, 2007

An act relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 516, as amended, Aanestad. ~~Shasta~~ *Shasta-Tehama* County Watermaster District.

(1) Existing law provides for the establishment of watermaster service areas by the Department of Water Resources for the purposes of ensuring the most practical and economic supervision of the distribution of water. Existing law specifies that upon the submission of a specified petition to a court in which a relevant judicial decree has been entered, the court may appoint a public agency as a watermaster to replace the watermaster appointed by the department.

This bill would create a watermaster district to be known as the ~~Shasta~~ *Shasta-Tehama* County Watermaster District, *and would establish the boundaries of the district to include Shasta County and some parts of Tehama County.* The bill would generally specify the powers and purposes of the district and prescribe the composition of the board of directors of the district. The bill would require the board of supervisors of Shasta County *and Tehama County*, on or before February 1, 2008, to appoint members of the board of directors who shall hold office until successor members are elected and qualified. Upon their election by

the voters of the district, the bill would require the members of the board to classify themselves by lot into 2 classes. The first class would have 4 3 members with terms of office of 4 years, and the 2nd class would have 3 2 members with terms of office of 2 years. The bill would require that thereafter all members serve on the board for a term of 4 years. The bill would require the district to provide watermaster service on behalf of specified parcels that are a place of use for water rights under an appointed decree, as defined. The bill would authorize the district to enter into agreements to provide watermaster service to ~~owners~~ *holders* of certain ~~other eligible parcels that are a place of use for water rights under a specified decree~~ for which the department is not the watermaster. By imposing election duties on Shasta County *and Tehama County* in connection with the operation of the district, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known and may be cited as the
2 ~~Shasta-Shasta-Tehama~~ County Watermaster District Act. It is
3 intended to supplement the Water Code and reads as follows:

4
5 ~~SHASTA-SHASTA-TEHAMA~~ COUNTY WATERMASTER
6 DISTRICT ACT

7
8 Article 1. Creation

9
10 101. This act shall be known and may be cited as the ~~Shasta~~
11 ~~Shasta-Tehama~~ County Watermaster District Act.

12 102. (a) A watermaster district is hereby created in Shasta
13 County *and parts of Tehama County* to be known as the ~~Shasta~~
14 ~~Shasta-Tehama~~ County Watermaster District.

15 (b) The district shall be governed by a board of directors as
16 specified in Section 401, shall have boundaries as prescribed in

Section 201, and shall exercise the powers granted by this act for purposes of acting as watermaster over those decreed water rights whose places of use are within ~~Shasta County~~ *the territory of the district* and for which the ~~Superior Court for the County of Shasta~~ *court* has appointed the district as the watermaster, together with other powers and duties that are reasonably implied and necessary and proper to carry out the purposes of the district, including, but not limited to, any power authorized by the court which appoints the district as watermaster.

(c) The Legislature hereby finds and declares that the cost effective and responsible enforcement of existing decreed water rights within ~~Shasta County~~ *the district* is in the public interest, and that the creation of a watermaster district that can serve in that capacity after proper appointment by the ~~Superior Court for Shasta County~~ *court* is for the common benefit of the ~~owners~~ *holders* of those decreed water rights within ~~Shasta County~~ *the district* and for the protection of agricultural and economic productivity.

Article 2. Boundaries

201. The exterior boundaries of the district shall be the exterior boundaries of the County of Shasta *and those portions of the following territories lying within Tehama County: Township 30 North, Range 1 East, Sections 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, and 36; Township 30 North, Range 2 East, Sections 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35; and Township 30 North, Range 3 East, Sections 19 and 30..*

202. The district is divided into the following service areas:

(a) Burney Creek Service Area, consisting of the territory within the County of Shasta that is covered by the judgment and decree, dated January 30, 1926, entered in *Black v. Grinnell, et al.* (Super. Ct. Shasta County, 1926, No. 5111).

(b) Hat Creek Service Area, consisting of the territory within the County of Shasta that is covered by the judgment and decree, dated May 14, 1924, entered in *Doyel, et al. v. Massie, et al.* (Super. Ct. Shasta County, 1924, No. 5724) and the judgment and decree, dated, May 7, 1935, entered in *Doyel, et al. v. Wilcox, et al.* (Super. Ct. Shasta County, 1935, No. 7858).

(c) North Fork Cottonwood Creek Service Area, consisting of the territory within the County of Shasta that is covered by the

1 decree, dated June 9, 1920, entered in Bee Creek Ditch & Water
2 Company v. Happy Valley Land & Water Co., et al. (Super. Ct.
3 Shasta County, 1920, No. 5479).

4 (d) North Cow Creek Service Area, consisting of the territory
5 within the County of Shasta that is covered by the judgment and
6 decree, dated April 29, 1932, entered in Lemm, et al. v. Rutherford,
7 et al. (Super. Ct. Shasta County, 1932, No. 5804), the judgment
8 and decree, dated July 22, 1932, entered in Colby, et al. v. Strayer,
9 et al. (Super. Ct. Shasta County, 1932, No. 5701), and the judgment
10 and decree, dated October 4, 1937, entered in Millville Ditch Co.
11 v. Hufford, et al. (Super. Ct. Shasta County, 1937, No. 6904).

12 (e) Digger Creek Service Area, consisting of the territory within
13 the County of Shasta *and the County of Tehama* that is covered
14 by the decree, dated August 12, 1899, entered in Cransberry, et
15 al. v. Edwards, et al. (Super. Ct. Tehama County, 1899, No. 2213),
16 the judgment, dated June 9, 1913, entered in Wells, et al. v.
17 Pritchard, et al. (Super. Ct. Tehama County, 1913, No. 3214), the
18 judgment, dated October 16, 1917, entered in Harrison, et al. v.
19 Kaler, et al. (Super. Ct. Tehama County, 1917, No. 3327), and the
20 judgment, dated February 24, 1927, entered in Herrick, et al. v.
21 Forward, et al. (Super. Ct. Tehama County, 1927, No. 4570).

22 23 Article 3. Definitions 24

25 301. Unless otherwise indicated by their context, the definitions
26 set forth in this article govern the construction of this act.

27 302. “Appointed decree” means a decree for which the district
28 is appointed the watermaster by the court.

29 303. “Appointed parcel” means a parcel of real property within
30 the district that is a place of use for water rights under an appointed
31 decree.

32 304. “Board of directors” or “board” means the board of
33 directors of the district.

34 305. “Contracted parcel” means an eligible parcel whose owner
35 has entered into a contract with the district to provide watermaster
36 service for that parcel.

37 306. “County” means Shasta County *and the parts of Tehama*
38 *County referred to in Section 201.*

39 307. “Court” means the Superior Court for the County of Shasta
40 *or the County of Tehama.*

1 308. “Decree” or “decrees” means any water right decree,
2 entered by the court, ~~which~~ *that* adjudicates water rights within
3 the county in which the decreed points of diversion are within the
4 county.

5 309. “Department” means the Department of Water Resources.

6 310. “District” means the ~~Shasta~~ *Shasta-Tehama* County
7 Watermaster District.

8 311. “Eligible parcel” means a parcel of real property within
9 the district that is a place of use for water rights under a decree
10 that is not an appointed decree, and for which the department is
11 not the watermaster.

12 312. “Fund” means the fund designated by the court, or by the
13 district in the absence of a designation by the court, into which
14 assessments levied by the district shall be paid by the county upon
15 collection.

16 313. ~~“Owner” means a person who is an owner of a real
17 property within the district that is a place of use for water rights
18 under a decree parcel.~~

19 314. “Person” means any state or local governmental agency,
20 private corporation, firm, partnership, individual, group of
21 individuals, or, to the extent authorized by law, any native tribe
22 or federal agency.

23 315. ~~“Voter” means an owner of an appointed or contracted
24 parcel a holder of a water right whose place of use under a decree
25 is an appointed or contracted parcel. Voting shall be weighted
26 proportionally to the amount of flow allocated to the water right
27 under the decree.~~

28
29 Article 4. General Provisions
30

31 401. (a) The board of directors shall govern the district and
32 shall exercise the powers of the district as set forth in this act.

33 (b) The board of directors of the district shall consist of ~~seven~~
34 *five* members, as follows:

35 ~~(1) Two members shall be voters owning appointed parcels or
36 contracted parcels within the Burney Creek Service Area. These
37 members shall be elected at large from the Burney Creek Service
38 Area.~~

~~(2) Two members shall be voters owning appointed parcels or contracted parcels within the Hat Creek Service Area. These members~~

(1) One member shall be a voter within the Burney Creek Service Area. This member shall be elected by the voters within the Burney Creek Service Area.

(2) One member shall be a voter within the Hat Creek Service Area. This member shall be elected by the voters within the Hat Creek Service Area.

~~(3) One member shall be a voter owning an appointed parcels or contracted parcel within the North Fork Cottonwood Creek Service Area. This member shall be elected by the voters within the North Fork Cottonwood Creek Service Area.~~

~~(4) One member shall be a voter owning an appointed parcel or contracted parcel within the North Cow Creek Service Area. This member shall be elected by the voters within the North Cow Creek Service Area.~~

~~(5) One member shall be a voter owning an appointed parcel or contracted parcel within the Digger Creek Service Area. This member shall be elected by the voters within the Digger Creek Service Area.~~

(c) If one or more service areas chooses not to participate in the district, a number of board members equivalent to the number of service areas so choosing shall be elected at large from among the participating service areas.

~~(e)~~

(d) A quorum of the board of directors shall be ~~four~~ three members. A majority of affirmative votes of the full membership of the board shall be required to take an action.

~~(d)~~

(e) (1) On or before February 1, 2008, the board of supervisors of Shasta County shall appoint the members of the board of directors of the district with the qualifications required by subdivision (b), as if the Superior Court of Shasta County had appointed the district as watermaster. The board of supervisors of Tehama County shall appoint the Digger Creek Service Area member. The members of the board of directors appointed pursuant to this paragraph shall hold office until their successors are elected and qualified.

(2) At the first opportunity to conduct an election, the voters shall elect the members of the board of directors. At the first meeting of the board of directors following that election, the members of the board of directors shall classify themselves by lot into two classes. ~~One class shall have four members and the other class shall have three members. For the class that has four members, the term of office shall be four years. For the class that has three members, the term of office shall be two years.~~ *into two classes. The first class shall have three members and the other class two members. For the first class, the term of office shall be four years. For the second class, the term of office shall be two years.* Thereafter, the terms of all members of the board of directors shall be four years.

(3) Except as provided in paragraphs (1) and (2), the term of office for a member of the board of directors shall be four years.

(4) Members of the board of directors may be reelected.

(e)

(f) Except as otherwise provided in this act, the Uniform District Election Law (Part 4 (commencing with Section 10500) of Division 10 of the Elections Code) shall apply to elections within the district. *For the purposes of the Uniform District Election Law, the district shall be deemed to be a landowner voting district.*

(f)

(g) Any vacancy in the office of a member of the board of directors shall be filled pursuant to Section 1780 of the Government Code.

402. Consistent with Section 10525 of the Elections Code, for ~~parcels with multiple owners, the owners~~ *water rights with multiple holders, the holders* shall designate in writing to the district, in accordance with a timetable established by the district, a voter from among their number for voting purposes.

403. (a) The board shall do all of the following:

(1) Act only by ordinance, resolution, or motion.

(2) Keep a record of all its actions, including financial transactions.

(3) Adopt rules or bylaws for its proceedings.

(4) Adopt policies for the operation of the district.

(b) The board may do all of the following:

(A) Provide, by ordinance or resolution, that its members may receive their actual and necessary traveling and incidental expenses

1 incurred while on official business. Reimbursement for these
2 expenses is subject to Sections 53232.2 and 52232.3 of the
3 Government Code. A member of the board of directors may waive
4 any or all of the payments permitted by this paragraph.

5 (B) Require any employee, officer, or member of the board to
6 be bonded. The district shall pay the cost of the bonds.

7 (c) ~~Prior to~~ *Before* taking office, each elected director shall take
8 the official oath and execute any bond that may be set by the board.

9 404. At the first meeting of the board, and at the first annual
10 meeting each year thereafter, the board shall elect a chairperson
11 and vice chairperson from among its members. The board shall
12 appoint the secretary of the district. The secretary of the district
13 may be a member of the board of directors or a district employee.

14 405. Meetings of the board shall be held pursuant to the Ralph
15 M. Brown Act (Chapter 9 (commencing with Section 54950) of
16 Part 1 of Division 2 of Title 5 of the Government Code).

17 406. The district shall have the following powers:

18 (a) Adopt ordinances following the procedures of Article 7
19 (commencing with Section 25120) of Chapter 1 of Part 2 of
20 Division 2 of Title 3 of the Government Code.

21 (b) Adopt and enforce rules and regulations for the
22 administration, operation, use, and maintenance of the district's
23 facilities and property.

24 (c) Sue and be sued in its own name.

25 (d) Acquire any real or personal property within the district, by
26 contract or otherwise, to hold, manage, occupy, dispose of, convey
27 and encumber the property, and to create a leasehold interest in
28 the property for the benefit of the district. The district shall not
29 have the power of eminent domain.

30 (e) Appoint employees, define their qualifications and duties,
31 and provide a schedule of compensation for performance of their
32 duties.

33 (f) Engage counsel and other professional services.

34 (g) Enter into and perform all contracts. The district shall follow
35 the procedures that apply to the ~~County of Shasta~~ *county*, including,
36 but not limited to the requirements of Article 3.6 (commencing
37 with Section 20150) of *Chapter 1* of Part 3 of Division 2 of the
38 Public Contract Code.

39 (h) Adopt a seal and alter it.

1 (i) Take any and all actions necessary for, or incidental to, the
2 powers expressed or implied by this act.

3 407. (a) The board of directors shall provide for regular audits
4 of the district's accounts and records pursuant to Section 26909
5 of the Government Code.

6 (b) The board of directors shall provide for the annual financial
7 reports to the Controller pursuant to Article 9 (commencing with
8 Section 53890) of Chapter 4 of Part 1 of Division 2 of Title 5 of
9 the Government Code.

10 408. All claims for money or damages against the district are
11 governed by Part 3 (commencing with Section 900) and Part 4
12 (commencing with Section 940) of Division 3.6 of Title 1 of the
13 Government Code.

14 409. The district is not subject to the Cortese-Knox-Hertzberg
15 Local Government Reorganization Act of 2000, ~~Part Division 3~~
16 (commencing with Section 56000) of Title 5 of the Government
17 Code.

18 410. The provisions of this act are severable. If any provision
19 of this act or its application is held invalid, that invalidity shall not
20 affect other provisions or applications that can be given effect
21 without the invalid provision or application.

22
23 Article 5. Powers and Duties
24

25 501. The district shall serve as the watermaster for any
26 appointed decree, including, but not limited to, taking specific
27 actions ordered by the court in the administration of that decree
28 or decrees.

29 502. In carrying out its duties as watermaster, the district shall
30 have the powers and duties that are set forth as powers and duties
31 of the department in Part 4 (commencing with Section 4000) of
32 Division 2 of the Water Code, except as modified by the court,
33 and as follows:

34 (a) References to the department in that part shall be deemed
35 to be references to the district.

36 (b) References to the Water Resources Revolving Fund in that
37 part shall be deemed to be references to the fund.

38 ~~(c) Pursuant to Article XIII D of the California Constitution,~~
39 ~~the apportionment of expenses shall be deemed to be property~~
40 ~~related charges for water services.~~

1 503. The district may enter into agreements to provide
2 watermaster service to ~~owners of eligible parcels where all owners~~
3 *holders of a water right whose place of use is an eligible parcel*
4 *where all holders* of an eligible parcel have executed the agreement.
5 An agreement to provide watermaster services to an eligible parcel
6 shall include a provision that the ~~owners~~ *holders* agree to pay in
7 full for the service prior to the provision of service. The amount
8 to be paid shall be determined to ensure that the provision of the
9 watermaster service to contracted parcels does not increase the
10 cost of the watermaster service to appointed parcels.

11 SEC. 2. The Legislature finds and declares that this act, which
12 is applicable only to the ~~Shasta~~ *Shasta-Tehama* County
13 Watermaster District, is necessary because of the unique and
14 special water problems in the area included in the district. It is,
15 therefore, hereby declared that a general law within the meaning
16 of Section 16 of Article IV of the California Constitution cannot
17 be made applicable to the district and the enactment of this special
18 law is necessary for the conservation, development, control, and
19 use of that water for the public good.

20 SEC. 3. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 a local agency or school district has the authority to levy service
23 charges, fees, or assessments sufficient to pay for the program or
24 level of service mandated by this act, within the meaning of Section
25 17556 of the Government Code.